



MEMBERS:

SEN. TONYA SCHUITMAKER, VICE CHAIRMAN
SEN. TORY ROCCA
SEN. STEVE BIEDA, MINORITY VICE CHAIR

THE SENATE
COMMITTEE ON JUDICIARY
SENATOR RICK JONES
CHAIRMAN

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Senate Committee on Judiciary

A meeting of the Senate Committee on Judiciary was held on Tuesday, June 14, 2011 at 2:30 p.m. in Room 110 of the Farnum Building.

The meeting was called to order at 2:34 p.m.

Members present: Senators Jones, Schuitmaker, Rocca and Bieda

Members absent: none

Senator Jones called the meeting to order.

Senator Jones announced that the agenda for the committee:

Approval of Minutes

- | | | |
|---------|------------------|--|
| SB 201 | Sen. Schuitmaker | Torts; governmental immunity; liability for a defect in a sidewalk; clarify that inference regarding a defect of less than 2 inches applies to any sidewalk maintained by a municipal corporation. |
| SB 320 | Sen. Jones | Children; protection; ex parte emergency removal order allowing the department of human services to take protective custody of a child; allow. |
| HB 4565 | Rep. Tyler | Crimes; controlled substances; possession of certain MDPV; prohibit, and establish penalties. |

Senator Rocca moved to adopt the minutes from June 7, 2011 with unanimous consent. Without objection, the minutes were adopted.

Senator Jones placed before the committee House Bill 4565 (Rep. Tyler). Amy Drumm, representing Rep. Tyler, explained the bill to the committee members.

The following persons submitted cards, but did not wish to testify, on House Bill 4565:

- KC Steckelberg, representing the Prosecuting Attorneys Association of Michigan—Support
- Dwayne Gill, representing the Michigan State Police—Support

Senator Rocca moved that House Bill 4565 be reported out of committee with the recommendation that the bill then pass. The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Senators Jones, Schuitmaker, Rocca, Bieda (4/4)

Nays: none (0)

Pass: none (0)

Absent: none (0)

Senator Bieda moved to recommend immediate effect for House Bill 4565. Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Jones placed before the committee Senate Bill 201 (Sen. Schuitmaker). Senator Schuitmaker explained the bill, substitute, and proposed amendment to the committee members. Senator Schuitmaker then answered questions from committee members.

The following persons testified on Senate Bill 201 and answered questions from committee members:

- Bill Flory, representing the Michigan Association for Justice—Oppose (in current form, working on amendment)
- Kelly Bartlett, representing the Michigan Department of Transportation—Neutral
- Ed Noyola, representing the County Road Association of Michigan—Support (with amendment)

The following persons submitted cards, but did not wish to testify, on Senate Bill 201:

- Samantha Harkins, representing the Michigan Municipal League—Support
- David Bertram, representing the Michigan Townships Association—Support (with amendment)
- Brent Bair, representing the Road Commission for Oakland County—Support (with amendment)

Senator Schuitmaker moved to adopt amendment #1 to the substitute (S-3) to Senate Bill 201. By an affirmative vote of the majority of members serving, the amendment was adopted. Voting as follows:

Yeas: Senators Jones, Schuitmaker, Rocca, Bieda (4/4)

Nays: none (0)

Pass: none (0)

Absent: none (0)

Senator Schuitmaker moved to adopt the substitute (S-3) as amended as a clean sub to Senate Bill 201. By an affirmative vote of the majority of members serving, the substitute was adopted. Voting as follows:

Yeas: Senators Jones, Schuitmaker, Rocca, Bieda (4/4)

Nays: none (0)

Pass: none (0)

Absent: none (0)

Senator Schuitmaker moved that Senate Bill 201 (S-3) as amended as a clean substitute be reported out of committee with the recommendation that the bill then pass. The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Senators Jones, Schuitmaker, Rocca, Bieda (4/4)

Nays: none (0)

Pass: none (0)

Absent: none (0)

Without objection, the committee further recommended that Senate Bill 201 (S-3) as amended as a clean substitute be given immediate effect by unanimous consent.

Senator Jones placed before the committee Senate Bill 320 (Sen. Jones). Senator Jones explained the bill and substitute to the committee members. Senator Jones then answered questions from committee members.

The following persons testified on Senate Bill 320 and answered questions from committee members:

- Fred Mulhauser, representing the Michigan Probate Judges Association—Oppose (Organization submitted written testimony on file with clerk)
- Karyn Ferrick, representing the Department of Human Services and the Administration—Supportive conceptually of S-1
- Melanie Courtier, citizen—Support (Also submitted written testimony on file with clerk)

The following persons submitted cards, but did not wish to testify, on Senate Bill 320:

- Mel Haga, representing the Michigan County Social Services Association—Support
- Cami Pendell, representing the Michigan Judges Association—Concerns (Organization submitted written testimony on file with clerk)

Senator Schuitmaker moved to adopt the substitute (S-1) to Senate Bill 320. By an affirmative vote of the majority of members serving, the substitute was adopted. Voting as follows:

Yeas: Senators Jones, Schuitmaker, Rocca, Bieda (4/4)

Nays: none (0)

Pass: none (0)

Absent: none (0)

Senator Bieda moved that Senate Bill 320 (S-1) be reported out of committee with the recommendation that the bill then pass. The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Senators Jones, Schuitmaker, Rocca, Bieda (4/4)

Nays: none (0)

Pass: none (0)

Absent: none (0)

Senator Bieda moved to recommend immediate effect for Senate Bill 320 (S-1). Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Jones indicated he would work with interested parties in further clarifying language on the bill before it was taken up on the floor.

Senator Jones adjourned the committee at 3:19 p.m.

6/21/11
Date Approved by Committee

**An audio recording of this committee meeting is available upon request for a minimal fee.